

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

LUIS HERNANDEZ,  
 IDELPHONSO THEN BRETON,  
     a/k/a "Andres,"  
     a/k/a "El Colonel,"  
     a/k/a "Angel,"  
 HECTOR ADOLPHO MOTA CERVANTES,  
 LUIS JAIME ESPINOSA,  
 JESUS GARCIA,  
 VICTOR MARTINEZ,  
     a/k/a "El Doctor,"  
 MARIO GARCIA,  
     a/k/a "Flaco,"  
     a/k/a "El Morillo,"  
     a/k/a "Cousin,"  
 MARCOS MENDOZA, and  
     a/k/a "Marco,"

Defendants.

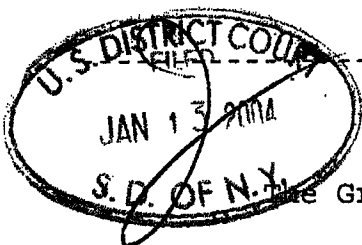
JUDGE BAER

INDICTMENT

04 Cr.

04 CRIM.

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COUNT ONE

The Grand Jury charges:

1. From in or about December 2003 up to and including in or about January 8, 2004, in the Southern District of New York, LUIS HERNANDEZ, IDELPHONSO THEN BRETON, a/k/a "Andres," a/k/a "El Colonel," a/k/a "Angel," HECTOR ADOLPHO MOTA CERVANTES, LUIS JAIME ESPINOSA, JESUS GARCIA, VICTOR MARTINEZ, a/k/a "El Doctor," MARIO GARCIA, a/k/a "Flaco," a/k/a "El Morillo," a/k/a "Cousin," and MARCOS MENDOZA, a/k/a "Marco," the defendants, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with

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each other to violate the narcotics laws of the United States.

2. It was a part and an object of such conspiracy that LUIS HERNANDEZ, IDELPHONSO THEN BRETON, a/k/a "Andres," a/k/a "El Colonel," a/k/a "Angel," HECTOR ADOLPHO MOTA CERVANTES, LUIS JAIME ESPINOSA, JESUS GARCIA, VICTOR MARTINEZ, a/k/a "El Doctor," MARIO GARCIA, a/k/a "Flaco," a/k/a "El Morillo," a/k/a "Cousin," and MARCOS MENDOZA, a/k/a "Marco," the defendants, and others known and unknown, unlawfully, intentionally and knowingly would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about December 23, 2003, LUIS HERNANDEZ and IDELPHONSO THEN BRETON, a/k/a "Andres," a/k/a "El Colonel," a/k/a "Angel," the defendants, drove a tan van (the "Van") from the vicinity of 179th Street and Broadway, New York, New York, to Parsippany, New Jersey.

b. On or about December 23, 2003, LUIS JAIME

ESPINOSA, the defendant, driving a Chrysler PT Cruiser, led the Van into a parking lot of a shopping center located in Parsippany, New Jersey (the "Shopping Center").


c. On or about December 23, 2003, HECTOR ADOLPHO MOTA CERVANTES and JESUS GARCIA, the defendants, drove a silver Lincoln Towncar containing approximately 200 kilograms of cocaine into the parking lot of the Shopping Center.

d. On or about December 23, 2003, MARIO GARCIA, a/k/a "Flaco," a/k/a "El Morillo," a/k/a "Cousin," the defendant, had a telephone conversation with MARCOS MENDOZA, a/k/a "Marco," the defendant.

e. On or about January 8, 2004, in El Paso, Texas, VICTOR MARTINEZ, a/k/a "El Doctor," the defendant, met with MARIO GARCIA and MENDOZA.

(Title 21, United States Code, Section 846.)

~~FOREPERSON~~

  
DAVID N. KELLEY  
United States Attorney